

HOUSE BILL No. 2755

By Representatives Sloan and Findley

2-1

AN ACT concerning the judicial branch of government; relating to courts; authority of supreme court; docket fees; creating the judicial caseload management fee fund and the judicial branch operations fund; amending K.S.A. 4-202, 4-203, 4-204, 4-205, 4-206, 4-207, 4-208, 4-209, 4-210, 4-211, 4-212, 4-213, 4-214, 4-215, 4-216, 4-217, 4-218, 4-219, 4-220, 4-221, 4-222, 4-223a, 4-224, 4-225, 4-226, 4-227, 4-228, 4-229, 4-230, 4-231, 4-232, 8-2107, 20-301 and 28-172a and K.S.A. 2001 Supp. 20-1a04, 20-334, 20-367, 60-2001, 61-2704 and 61-4001 and repealing the existing sections; also repealing K.S.A. 20-301b and K.S.A. 2001 Supp. 20-338.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. The supreme court of the state of Kansas shall allocate all judicial resources as the court determines necessary and appropriate. The supreme court shall assign the number of district judge positions and district magistrate judges as currently provided by law to each judicial district as the court determines necessary. The supreme court shall determine where each district judge's and district magistrate judge's office is to be located and shall assign the county in which such judge shall serve and hear cases.

New Sec. 2. (a) Attorneys licensed to practice law in the state of Kansas shall be assessed an annual fee by the chief justice of the Kansas supreme court to provide the district courts with additional resources for nonjudicial personnel and equipment. Such fees shall be remitted and deposited into the judicial caseload management fee fund as provided in subsection (d).

(b) Attorneys licensed in Kansas for less than three years shall be assessed a fee of not less than \$100. Attorneys licensed in Kansas for more than three years but less than six years shall be assessed a fee of not less than \$250. Attorneys licensed in Kansas for more than six years shall be assessed a fee of not less than \$600.

(c) Attorneys licensed in Kansas and residing in Kansas shall have such fee credited to the judicial district where such attorney resides. Attorneys licensed in Kansas but residing outside the state of Kansas shall have such fee credited to the judicial district where such attorney files a

1 majority of such attorney's cases.

2 (d) There is hereby created in the state treasury the judicial caseload
3 management fee fund. The chief justice of the Kansas supreme court
4 shall remit all moneys received from such fees to the state treasurer in
5 accordance with the provisions of K.S.A. 75-4215, and amendments
6 thereto. Upon receipt of such remittance, the state treasurer shall deposit
7 the entire amount in the state treasury to the credit of the judicial caseload
8 management fee fund. Moneys in the judicial caseload management fee
9 fund shall be used exclusively for the district court nonjudicial personnel
10 and shall not be expended for compensation of judges or justices of the
11 judicial branch. All expenditures from the judicial caseload management
12 fee fund shall be made in accordance with appropriation acts upon war-
13 rants of the director of accounts and reports issued pursuant to vouchers
14 approved by the chief justice of the Kansas supreme court or by a person
15 or persons designated by the chief justice.

16 New Sec. 3. (a) Annually, on or before September 1, the supreme
17 court shall determine the resources necessary to effectively expedite the
18 business of the judicial branch in the state of Kansas. If additional re-
19 sources are necessary to fund the judicial branch, the chief justice of the
20 Kansas supreme court shall increase the docket fees as necessary to fund
21 the judicial branch. If an increase is necessary, on or before the following
22 March 15, the supreme court shall so certify to the secretary of state.
23 Notice of such increase shall be published in the Kansas register. Any
24 docket fee increase shall take effect the following July 1. Such increase
25 in fees shall be known as the docket fee operating increments.

26 (b) There is hereby created in the state treasury the judicial branch
27 operations fund. The chief justice of the Kansas supreme court shall remit
28 any moneys received that are attributable to any increase in docket fees
29 under subsection (a) to the state treasurer in accordance with the provi-
30 sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such
31 remittance, the state treasurer shall deposit the entire amount in the state
32 treasury to the credit of the judicial branch operations fund. Moneys in
33 the judicial branch operations fund shall be used exclusively for the busi-
34 ness of the judicial branch in the state of Kansas. All expenditures from
35 the judicial branch operations fund shall be made in accordance with
36 appropriation acts upon warrants of the director of accounts and reports
37 issued pursuant to vouchers approved by the chief justice of the Kansas
38 supreme court or by a person or persons designated by the chief justice.

39 Sec. 4. K.S.A. 4-202 is hereby amended to read as follows: 4-202.
40 The counties of Atchison and Leavenworth shall constitute the first ju-
41 dicial district. ~~Subject to the provisions of K.S.A. 20-354a and amend-~~
42 ~~ments thereto, there shall be four district judges in such district.~~

43 Sec. 5. K.S.A. 4-203 is hereby amended to read as follows: 4-203.

1 The counties of Pottawatomie, Wabaunsee, Jackson and Jefferson shall
2 constitute the second judicial district. ~~There shall be two district judges~~
3 ~~in such district.~~

4 Sec. 6. K.S.A. 4-204 is hereby amended to read as follows: 4-204.
5 The county of Shawnee shall constitute the third judicial district. ~~There~~
6 ~~shall be 13 district judges in such district.~~

7 Sec. 7. K.S.A. 4-205 is hereby amended to read as follows: 4-205.
8 The counties of Franklin, Anderson, Coffey and Osage shall constitute
9 the fourth judicial district. ~~There shall be three district judges in such~~
10 ~~district.~~

11 Sec. 8. K.S.A. 4-206 is hereby amended to read as follows: 4-206.
12 The counties of Chase and Lyon shall constitute the fifth judicial district.
13 ~~There shall be two district judges in such district.~~

14 Sec. 9. K.S.A. 4-207 is hereby amended to read as follows: 4-207.
15 The counties of Miami, Linn and Bourbon shall constitute the sixth ju-
16 dicial district. ~~There shall be three district judges in such district. At least~~
17 ~~one district judge position shall be in Bourbon county.~~

18 Sec. 10. K.S.A. 4-208 is hereby amended to read as follows: 4-208.
19 The county of Douglas shall constitute the seventh judicial district. ~~There~~
20 ~~shall be four district judges in such district.~~

21 Sec. 11. K.S.A. 4-209 is hereby amended to read as follows: 4-209.
22 The counties of Geary, Dickinson, Marion and Morris shall constitute the
23 eighth judicial district. ~~There shall be four district judges in such district.~~
24 ~~The judge holding one of the district judge positions shall be a resident~~
25 ~~of Dickinson, Marion or Morris county and the judge holding another~~
26 ~~such position shall be a resident of Geary county. The position of the~~
27 ~~third district judge shall be in Marion county and the position of the~~
28 ~~fourth district judge shall be in Geary county.~~

29 Sec. 12. K.S.A. 4-210 is hereby amended to read as follows: 4-210.
30 The counties of McPherson and Harvey shall constitute the ninth judicial
31 district. ~~There shall be three district judges in such district. At least one~~
32 ~~district judge position shall be in McPherson county and at least one shall~~
33 ~~be in Harvey county.~~

34 Sec. 13. K.S.A. 4-211 is hereby amended to read as follows: 4-211.
35 The county of Johnson shall constitute the 10th judicial district. ~~There~~
36 ~~shall be 16 district judges in such district.~~

37 Sec. 14. K.S.A. 4-212 is hereby amended to read as follows: 4-212.
38 The counties of Crawford, Cherokee and Labette shall constitute the 11th
39 judicial district. ~~There shall be six district judges in such district.~~

40 ~~The district judges of the 11th judicial district shall hold court in the~~
41 ~~cities of Pittsburg and Girard in Crawford county, the city of Columbus~~
42 ~~in Cherokee county and the cities of Parsons and Oswego in Labette~~
43 ~~county.~~

1 Sec. 15. K.S.A. 4-213 is hereby amended to read as follows: 4-213.
2 The counties of Jewell, Mitchell, Lincoln, Republic, Cloud, and Wash-
3 ington shall constitute the twelfth judicial district. ~~There shall be one~~
4 ~~district judge in such district.~~

5 Sec. 16. K.S.A. 4-214 is hereby amended to read as follows: 4-214.
6 The counties of Butler, Greenwood and Elk shall constitute the 13th
7 judicial district. ~~There shall be three district judges in such district. The~~
8 ~~judge holding one of the district judge positions shall be a resident of~~
9 ~~Greenwood or Elk county and the judge holding another such position~~
10 ~~shall be a resident of Butler county. The position of the third district~~
11 ~~judge shall be in Butler county.~~

12 Sec. 17. K.S.A. 4-215 is hereby amended to read as follows: 4-215.
13 The counties of Montgomery and Chautauqua shall constitute the 14th
14 judicial district. ~~There shall be three district judges in such district. At~~
15 ~~least two district judge positions shall be in Montgomery county.~~

16 ~~—The district judges of the 14th judicial district shall hold court in the~~
17 ~~cities of Coffeyville and Independence in Montgomery county and the~~
18 ~~city of Sedan in Chautauqua county.~~

19 Sec. 18. K.S.A. 4-216 is hereby amended to read as follows: 4-216.
20 The counties of Sherman, Thomas, Sheridan, Cheyenne, Rawlins, Wal-
21 lace and Logan shall constitute the 15th judicial district. ~~There shall be~~
22 ~~two district judges in such district.~~

23 Sec. 19. K.S.A. 4-217 is hereby amended to read as follows: 4-217.
24 The counties of Gray, Ford, Kiowa, Meade, Clark and Comanche shall
25 constitute the 16th judicial district. ~~There shall be two district judges in~~
26 ~~such district.~~

27 Sec. 20. K.S.A. 4-218 is hereby amended to read as follows: 4-218.
28 The counties of Decatur, Norton, Phillips, Smith, Graham and Osborne
29 shall constitute the 17th judicial district. ~~There shall be one district judge~~
30 ~~of the district court of the district. The district magistrate judge holding~~
31 ~~office in position one in Graham county in the 15th judicial district, as~~
32 ~~the district was constituted on the day before the effective date of this~~
33 ~~act, shall continue to hold office for the term for which elected and shall~~
34 ~~serve as district magistrate judge of the 17th judicial district for that term~~
35 ~~and until a successor is appointed or elected and qualified.~~

36 Sec. 21. K.S.A. 4-219 is hereby amended to read as follows: 4-219.
37 The county of Sedgwick shall constitute the 18th judicial district. ~~There~~
38 ~~shall be 24 district judges in such district.~~

39 Sec. 22. K.S.A. 4-220 is hereby amended to read as follows: 4-220.
40 The county of Cowley shall constitute the 19th judicial district. ~~There~~
41 ~~shall be three district judges in such district.~~

42 Sec. 23. K.S.A. 4-221 is hereby amended to read as follows: 4-221.
43 The counties of Stafford, Barton, Russell, Ellsworth and Rice shall con-

1 stitute the 20th judicial district. ~~There shall be three district judges in~~
2 ~~such district. The judge holding one of the district judge positions shall~~
3 ~~be a resident of Stafford, Russell, Ellsworth or Rice county and the judge~~
4 ~~holding another such position shall be a resident of Barton county. The~~
5 ~~position of the third district judge shall be in Barton county.~~

6 Sec. 24. K.S.A. 4-222 is hereby amended to read as follows: 4-222.
7 The counties of Riley and Clay shall constitute the 21st judicial district.
8 ~~There shall be three district judges in such district. At least one district~~
9 ~~judge position shall be in Riley county.~~

10 Sec. 25. K.S.A. 4-223a is hereby amended to read as follows: 4-223a.
11 The counties of Doniphan, Brown, Nemaha and Marshall shall constitute
12 the 22nd judicial district. ~~There shall be two district judges in such dis-~~
13 ~~trict.~~

14 Sec. 26. K.S.A. 4-224 is hereby amended to read as follows: 4-224.
15 The counties of Gove, Trego, Rooks and Ellis shall constitute the 23rd
16 judicial district. ~~There shall be two district judges in such district.~~

17 Sec. 27. K.S.A. 4-225 is hereby amended to read as follows: 4-225.
18 The counties of Edwards, Pawnee, Rush, Hodgeman, Ness and Lane shall
19 constitute the twenty-fourth judicial district. ~~There shall be one district~~
20 ~~judge of the district court.~~

21 Sec. 28. K.S.A. 4-226 is hereby amended to read as follows: 4-226.
22 The counties of Scott, Wichita, Greeley, Hamilton, Kearny and Finney
23 shall constitute the 25th judicial district. ~~There shall be three district~~
24 ~~judges in such district. At least two district judge positions shall be in~~
25 ~~Finney county.~~

26 Sec. 29. K.S.A. 4-227 is hereby amended to read as follows: 4-227.
27 The counties of Stanton, Grant, Haskell, Morton, Stevens and Seward
28 shall constitute the 26th judicial district. ~~There shall be two district judges~~
29 ~~in such district.~~

30 Sec. 30. K.S.A. 4-228 is hereby amended to read as follows: 4-228.
31 The county of Reno shall constitute the 27th judicial district. ~~There shall~~
32 ~~be four district judges in such district.~~

33 Sec. 31. K.S.A. 4-229 is hereby amended to read as follows: 4-229.
34 The counties of Saline and Ottawa shall constitute the 28th judicial dis-
35 trict. ~~There shall be four district judges in such district. At least two~~
36 ~~district judge positions shall be in Saline county.~~

37 Sec. 32. K.S.A. 4-230 is hereby amended to read as follows: 4-230.
38 The county of Wyandotte shall constitute the 29th judicial district. ~~There~~
39 ~~shall be 15 district judges in such district.~~

40 Sec. 33. K.S.A. 4-231 is hereby amended to read as follows: 4-231.
41 The counties of Summer, Harper, Kingman, Barber and Pratt shall con-
42 stitute the 30th judicial district. ~~There shall be four district judges in such~~
43 ~~district. At least one district judge position shall be in Harper, Kingman,~~

1 ~~Barber or Pratt county and at least two such positions shall be in Sumner~~
2 ~~county.~~

3 Sec. 34. K.S.A. 4-232 is hereby amended to read as follows: 4-232.
4 The counties of Allen, Neosho, Wilson and Woodson shall constitute the
5 31st judicial district. ~~There shall be three district judges in such district.~~
6 ~~— The district judge holding office in division number two in the fourth~~
7 ~~judicial district, as that district was constituted on June 30, 1983, and the~~
8 ~~district judge holding office in division number four in the 11th judicial~~
9 ~~district, as that district was constituted on June 30, 1983, shall continue~~
10 ~~to hold office for the terms for which appointed and shall serve as district~~
11 ~~judges of the 31st judicial district for those terms and until successors are~~
12 ~~appointed and qualified. The associate district judge holding office in~~
13 ~~position four in the 11th judicial district, as that district was constituted~~
14 ~~on June 30, 1983, shall continue to hold office for the term for which~~
15 ~~appointed and shall serve as district judge of the 31st judicial district for~~
16 ~~that term and until a successor is appointed and qualified. The district~~
17 ~~magistrate judges holding office in positions one and four in the fourth~~
18 ~~judicial district, as that district was constituted on June 30, 1983, shall~~
19 ~~continue to hold office for the terms for which appointed and shall serve~~
20 ~~as district magistrate judges of the 31st judicial district for those terms~~
21 ~~and until successors are appointed and qualified.~~

22 ~~— The district court of the 31st judicial district shall hold court in the city~~
23 ~~of Iola in Allen county, the cities of Chanute and Eric in Neosho county,~~
24 ~~the city of Fredonia in Wilson county and the city of Yates Center in~~
25 ~~Woodson county.~~

26 Sec. 35. K.S.A. 8-2107 is hereby amended to read as follows: 8-2107.
27 (a) (1) Notwithstanding any other provisions of the uniform act regulating
28 traffic on highways, when a person is stopped by a police officer for any
29 of the offenses described in subsection (d) and such person is not im-
30 mediately taken before a judge of the district court, the police officer may
31 require the person stopped, subject to the provisions of subsection (c), to
32 deposit with the officer a valid Kansas driver's license in exchange for a
33 receipt therefor issued by such police officer, the form of which shall be
34 approved by the division of vehicles. Such receipt shall be recognized as
35 a valid temporary Kansas driver's license authorizing the operation of a
36 motor vehicle by the person stopped until the date of the hearing stated
37 on the receipt. The driver's license and a written copy of the notice to
38 appear shall be delivered by the police officer to the court having juris-
39 diction of the offense charged as soon as reasonably possible. If the hear-
40 ing on such charge is continued for any reason, the judge may note on
41 the receipt the date to which such hearing has been continued and such
42 receipt shall be recognized as a valid temporary Kansas driver's license
43 until such date, but in no event shall such receipt be recognized as a valid

1 Kansas driver's license for a period longer than 30 days from the date set
2 for the original hearing. Any person who has deposited a driver's license
3 with a police officer under this subsection (a) shall have such license
4 returned upon final determination of the charge against such person.

5 (2) In the event the person stopped deposits a valid Kansas driver's
6 license with the police officer and fails to appear in the district court on
7 the date set for appearance, or any continuance thereof, and in any event
8 within 30 days from the date set for the original hearing, the court shall
9 forward such person's driver's license to the division of vehicles with an
10 appropriate explanation attached thereto. Upon receipt of such person's
11 driver's license, the division shall suspend such person's privilege to op-
12 erate a motor vehicle in this state until such person appears before the
13 court having jurisdiction of the offense charged, the court makes a final
14 disposition thereof and notice of such disposition is given by the court to
15 the division. No new or replacement license shall be issued to any such
16 person until such notice of disposition has been received by the division.
17 The provisions of K.S.A. 8-256, and amendments thereto, limiting the
18 suspension of a license to one year, shall not apply to suspensions for
19 failure to appear as provided in this subsection (a).

20 (b) No person shall apply for a replacement or new driver's license
21 prior to the return of such person's original license which has been de-
22 posited in lieu of bond under this section. Violation of this subsection (b)
23 is a class C misdemeanor. The division may suspend such person's driver's
24 license for a period of not to exceed one year from the date the division
25 receives notice of the disposition of the person's charge as provided in
26 subsection (a).

27 (c) (1) In lieu of depositing a valid Kansas driver's license with the
28 stopping police officer as provided in subsection (a), the person stopped
29 may elect to give bond in the amount specified in subsection (d) for the
30 offense for which the person was stopped. When such person does not
31 have a valid Kansas driver's license, such person shall give such bond.
32 Such bond shall be subject to forfeiture if the person stopped does not
33 appear at the court and at the time specified in the written notice pro-
34 vided for in K.S.A. 8-2106, and amendments thereto.

35 (2) Such bond may be a cash bond, a bank card draft from any valid
36 and unexpired credit card approved by the division of vehicles or super-
37 intendent of the Kansas highway patrol or a guaranteed arrest bond cer-
38 tificate issued by either a surety company authorized to transact such
39 business in this state or an automobile club authorized to transact business
40 in this state by the commissioner of insurance. If any of the approved
41 bank card issuers redeem the bank card draft at a discounted rate, such
42 discount shall be charged against the amount designated as the fine for
43 the offense. If such bond is not forfeited, the amount of the bond less

1 the discount rate shall be reimbursed to the person providing the bond
 2 by the use of a bank card draft. Any such guaranteed arrest bond certifi-
 3 cate shall be signed by the person to whom it is issued and shall contain
 4 a printed statement that such surety company or automobile club guar-
 5 antees the appearance of such person and will, in the event of failure of
 6 such person to appear in court at the time of trial, pay any fine or forfei-
 7 ture imposed on such person not to exceed an amount to be stated on
 8 such certificate.

9 (3) Such cash bond shall be taken in the following manner: The police
 10 officer shall furnish the person stopped a stamped envelope addressed to
 11 the judge or clerk of the court named in the written notice to appear and
 12 the person shall place in such envelope the amount of the bond, and in
 13 the presence of the police officer shall deposit the same in the United
 14 States mail. After such cash payment, the person stopped need not sign
 15 the written notice to appear, but the police officer shall note the amount
 16 of the bond mailed on the notice to appear form and shall give a copy of
 17 such form to the person. If the person stopped furnishes the police officer
 18 with a guaranteed arrest bond certificate or bank card draft, the police
 19 officer shall give such person a receipt therefor and shall note the amount
 20 of the bond on the notice to appear form and give a copy of such form
 21 to the person stopped. Such person need not sign the written notice to
 22 appear, and the police officer shall present the notice to appear and the
 23 guaranteed arrest bond certificate or bank card draft to the court having
 24 jurisdiction of the offense charged as soon as reasonably possible.

25 (d) The offenses for which appearance bonds may be required as
 26 provided in subsection (c) and the amounts thereof shall be as follows:

27 On and after July 1, 1996:

28 Reckless driving	\$82
29 Driving when privilege is canceled, suspended or revoked	82
30 Failure to comply with lawful order of officer	57
31 Registration violation (registered for 12,000 pounds or less)	52
32 Registration violation (registered for more than 12,000 pounds)	92
33 No driver's license for the class of vehicle operated or violation of restric-	
34 tions	52
35 Spilling load on highway	52
36 Overload:	
37 Gross weight of vehicle or	
38 combination of vehicles	an amount equal to the fine plus docket
39	fee to be imposed if convicted
40 Gross weight upon any axle or	
41 tandem, triple or quad axles	an amount equal to the fine plus
42	docket fee to be imposed if convicted
43	

1 Failure to obtain proper registration, clearance or to have current certi-
 2 fication as required by K.S.A. 66-1324, and amendments thereto 272
 3 Insufficient liability insurance for motor carriers pursuant to K.S.A. 66-
 4 1,128 or 66-1314, and amendments thereto 122
 5 Failure to obtain interstate motor fuel tax authorization pursuant to K.S.A.
 6 79-34,122, and amendments thereto 122
 7 Improper equipment (glass or fire extinguishers) 52
 8 No authority as private, contract or common carrier 122
 9 No current driver's daily log 52
 10 Invalid or no physical examination card 52
 11 Transporting open container of alcoholic liquor or cereal malt beverage
 12 accessible while vehicle in motion 223

13 (e) In the event of forfeiture of any bond under this section, \$54 of
 14 the amount forfeited shall be regarded as a docket fee in any court having
 15 jurisdiction over the violation of state law.

16 (f) None of the provisions of this section shall be construed to conflict
 17 with the provisions of the nonresident violator compact.

18 (g) When a person is stopped by a police officer for any traffic in-
 19 fraction and the person is a resident of a state which is not a member of
 20 the nonresident violator compact, K.S.A. 8-1219 *et seq.*, and amendments
 21 thereto, or the person is licensed to drive under the laws of a foreign
 22 country, the police officer may require a bond as provided for under
 23 subsection (c). The bond shall be in the amount specified in the uniform
 24 fine schedule in subsection (c) of K.S.A. 8-2118, and amendments
 25 thereto, plus \$54 which shall be regarded as a docket fee in any court
 26 having jurisdiction over the violation of state law.

27 (h) When a person is stopped by a police officer for failure to provide
 28 proof of financial security pursuant to K.S.A. 40-3104, and amendments
 29 thereto, and the person is a resident of another state or the person is
 30 licensed to drive under the laws of a foreign country, the police officer
 31 may require a bond as provided for under subsection (c). The bond shall
 32 be in the amount of \$54, plus \$54 which shall be regarded as a docket
 33 fee in any court having jurisdiction over the violation of state law.

34 (i) *Any docket fee established in this section may be subject to the*
 35 *docket fee operating increments established pursuant to section 3, and*
 36 *amendments thereto.*

37 Sec. 36. K.S.A. 2001 Supp. 20-1a04 is hereby amended to read as
 38 follows: 20-1a04. The clerk of the supreme court shall remit all moneys
 39 received by or for such clerk for docket fees, and all amounts received
 40 for other purposes than those specified in K.S.A. 20-1a01, 20-1a02 or 20-
 41 1a03, and amendments thereto, unless by order of the supreme court
 42 such clerk is directed to make other disposition thereof to the state trea-
 43 surer in accordance with the provisions of K.S.A. 75-4215, and amend-

1 ments thereto. Upon receipt of each such remittance, the state treasurer
2 shall deposit the entire amount in the state treasury to the credit of the
3 judicial branch nonjudicial salary initiative fund, a sum equal to 56% of
4 the remittances of docket fees and to the state general fund, a sum equal
5 to 44% of the remittance of docket fees. *Such percentage may be adjusted*
6 *to account for the docket fee operating increments established pursuant*
7 *to section 3, and amendments thereto.*

8 Sec. 37. K.S.A. 20-301 is hereby amended to read as follows: 20-301.
9 There shall be in each county a district court, which shall be a court of
10 record, and shall have general original jurisdiction of all matters, both
11 civil and criminal, unless otherwise provided by law, and also shall have
12 such appellate jurisdiction as prescribed by law. *Each district court shall*
13 *have a judge assigned to such court by the supreme court as provided in*
14 *section 1, and amendments thereto.*

15 Sec. 38. K.S.A. 2001 Supp. 20-334 is hereby amended to read as
16 follows: 20-334. (a) Subject to the provisions of K.S.A. 20-2909 and
17 amendments thereto, any person who is elected, retained in office or
18 appointed as a district judge shall:

19 (1) Have been regularly admitted to practice law in the state of Kan-
20 sas;

21 (2) be a resident of the judicial district for which elected or appointed
22 to serve at the time of taking the oath of office and shall maintain resi-
23 dency in the judicial district while holding office; and

24 (3) for a period of at least five years, have engaged in the active prac-
25 tice of law as a lawyer, judge of a court of record or any court in this state,
26 full-time teacher of law in an accredited law school or any combination
27 thereof.

28 (b) Any person who is elected, retained in office or appointed as a
29 district magistrate judge shall:

30 (1) Be a graduate of a high school or secondary school or the equiv-
31 alent thereof;

32 (2) be a resident of the ~~county~~ *judicial district* for which elected or
33 appointed to serve at the time of taking the oath of office and shall main-
34 tain residency in the ~~county~~ *judicial district* while holding office; and

35 (3) if not regularly admitted to practice law in Kansas, be certified by
36 the supreme court, in the manner prescribed by K.S.A. 20-337 and
37 amendments thereto, as qualified to serve as a district magistrate judge.

38 Sec. 39. K.S.A. 2001 Supp. 20-367 is hereby amended to read as
39 follows: 20-367. Of the remittance of the balance of docket fees received
40 by the state treasurer from clerks of the district court pursuant to sub-
41 section (f) of K.S.A. 20-362, and amendments thereto, the state treasurer
42 shall deposit and credit to the access to justice fund, a sum equal to 6.05%
43 of the remittances of docket fees; to the juvenile detention facilities fund,

1 a sum equal to 3.36% of the remittances of docket fees; to the judicial
 2 branch education fund, the state treasurer shall deposit and credit a sum
 3 equal to 2.58% of the remittances of docket fees; to the crime victims
 4 assistance fund, the state treasurer shall deposit and credit a sum equal
 5 to .69% of the remittances of the docket fees; to the protection from
 6 abuse fund, the state treasurer shall deposit and credit a sum equal to
 7 2.07% of the remittances of the docket fees; to the judiciary technology
 8 fund, the state treasurer shall deposit and credit a sum equal to 5.23% of
 9 the remittances of docket fees; to the dispute resolution fund, the state
 10 treasurer shall deposit and credit a sum equal to .43% of the remittances
 11 of docket fees; to the Kansas juvenile delinquency prevention trust fund,
 12 the state treasurer shall deposit and credit a sum equal to 1.53% of the
 13 remittances of docket fees; to the permanent families account in the fam-
 14 ily and children investment fund, the state treasurer shall deposit and
 15 credit a sum equal to .25% of the remittances of docket fees; to the trauma
 16 fund, a sum equal to 1.81% of the remittance of docket fees; ~~and~~ to the
 17 judicial branch nonjudicial salary initiative fund, the state treasurer shall
 18 deposit and credit a sum equal to 21.97% of the remittance of docket
 19 fees; *and to the judicial branch operations fund, a sum equal to the docket*
 20 *fee operating increments established pursuant to section 3, and amend-*
 21 *ments thereto.* The balance remaining of the remittances of docket fees
 22 shall be deposited and credited to the state general fund.

23 Sec. 40. K.S.A. 28-172a is hereby amended to read as follows: 28-
 24 172a. (a) Except as otherwise provided in this section, whenever the pros-
 25 ecuting witness or defendant is adjudged to pay the costs in a criminal
 26 proceeding in any county, a docket fee shall be taxed as follows:

27 On and after July 1, 1998:

28 Murder or manslaughter	\$164.50
29 Other felony	146.00
30 Misdemeanor	111.00
31 Forfeited recognizance	62.50
32 Appeals from other courts	62.50

33 (b) (1) Except as provided in paragraph (2), in actions involving the
 34 violation of any of the laws of this state regulating traffic on highways
 35 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-
 36 ments thereto), a cigarette or tobacco infraction, any act declared a crime
 37 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
 38 notated and amendments thereto or any act declared a crime pursuant
 39 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
 40 Annotated, and amendments thereto, whenever the prosecuting witness
 41 or defendant is adjudged to pay the costs in the action, a docket fee of
 42 \$54 shall be charged. When an action is disposed of under subsections
 43 (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and

1 amendments thereto, whether by mail or in person, the docket fee to be
2 paid as court costs shall be \$54.

3 (2) In actions involving the violation of a moving traffic violation un-
4 der K.S.A. 8-2118, and amendments thereto, as defined by rules and
5 regulations adopted under K.S.A. 8-249, and amendments thereto, when-
6 ever the prosecuting witness or defendant is adjudged to pay the costs in
7 the action, a docket fee of \$54 shall be charged. When an action is dis-
8 posed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments
9 thereto, whether by mail or in person, the docket fee to be paid as court
10 costs shall be \$54.

11 (c) If a conviction is on more than one count, the docket fee shall be
12 the highest one applicable to any one of the counts. The prosecuting
13 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
14 defendants shall each pay one fee.

15 (d) Statutory charges for law library funds, the law enforcement train-
16 ing center fund, the prosecuting attorneys' training fund, the juvenile
17 detention facilities fund, the judicial branch education fund, the emer-
18 gency medical services operating fund and the judiciary technology fund
19 shall be paid from the docket fee; the family violence and child abuse and
20 neglect assistance and prevention fund fee shall be paid from criminal
21 proceedings docket fees. All other fees and expenses to be assessed as
22 additional court costs shall be approved by the court, unless specifically
23 fixed by statute. Additional fees shall include, but are not limited to, fees
24 for Kansas bureau of investigation forensic or laboratory analyses, fees for
25 detention facility processing pursuant to K.S.A. 2000 Supp. 12-16,119,
26 and amendments thereto, fees for the sexual assault evidence collection
27 kit, fees for conducting an examination of a sexual assault victim, fees for
28 service of process outside the state, witness fees, fees for transcripts and
29 depositions, costs from other courts, doctors' fees and examination and
30 evaluation fees. No sheriff in this state shall charge any district court of
31 this state a fee or mileage for serving any paper or process.

32 (e) In each case charging a violation of the laws relating to parking
33 of motor vehicles on the statehouse grounds or other state-owned or
34 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
35 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
36 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
37 the entire costs in the case, except that witness fees, mileage and expenses
38 incurred in serving a warrant shall be in addition to the fee. Appearance
39 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
40 ments thereto, shall be \$3, unless a warrant is issued. The judge may
41 order the bond forfeited upon the defendant's failure to appear, and \$2
42 of any bond so forfeited shall be regarded as court costs.

43 (f) *Any docket fee established in this section may be subject to the*

1 *docket fee operating increments established pursuant to section 3, and*
2 *amendments thereto.*

3 Sec. 41. K.S.A. 2001 Supp. 60-2001 is hereby amended to read as
4 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
5 case shall be filed or docketed in the district court, whether original or
6 appealed, without payment of a docket fee in the amount of \$101 to the
7 clerk of the district court.

8 (b) *Poverty affidavit in lieu of docket fee. (1) Effect.* In any case where
9 a plaintiff by reason of poverty is unable to pay a docket fee, and an
10 affidavit so stating is filed, no fee will be required. An inmate in the
11 custody of the secretary of corrections may file a poverty affidavit only if
12 the inmate attaches a statement disclosing the average account balance,
13 or the total deposits, whichever is less, in the inmate's trust fund for each
14 month in (A) the six-month period preceding the filing of the action; or
15 (B) the current period of incarceration, whichever is shorter. Such state-
16 ment shall be certified by the secretary. On receipt of the affidavit and
17 attached statement, the court shall determine the initial fee to be assessed
18 for filing the action and in no event shall the court require an inmate to
19 pay less than \$3. The secretary of corrections is hereby authorized to
20 disburse money from the inmate's account to pay the costs as determined
21 by the court. If the inmate has a zero balance in such inmate's account,
22 the secretary shall debit such account in the amount of \$3 per filing fee
23 as established by the court until money is credited to the account to pay
24 such docket fee. Any initial filing fees assessed pursuant to this subsection
25 shall not prevent the court, pursuant to subsection (d), from taxing that
26 individual for the remainder of the amount required under subsection (a)
27 or this subsection.

28 (2) *Form of affidavit.* The affidavit provided for in this subsection
29 shall be in the following form and attached to the petition:

30 State of Kansas, _____County.

31 In the district court of the county: I do solemnly swear that the claim set forth in the
32 petition herein is just, and I do further swear that, by reason of my poverty, I am unable to
33 pay a docket fee.

34 (c) *Disposition of docket fee.* The docket fee shall be the only costs
35 assessed in each case for services of the clerk of the district court and the
36 sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-
37 362 and amendments thereto.

38 (d) *Additional court costs.* Other fees and expenses to be assessed as
39 additional court costs shall be approved by the court, unless specifically
40 fixed by statute. Other fees shall include, but not be limited to, witness
41 fees, appraiser fees, fees for service of process outside the state, fees for
42 depositions, alternative dispute resolution fees, transcripts and publica-
43 tion, attorney fees, court costs from other courts and any other fees and

1 expenses required by statute. All additional court costs shall be taxed and
2 billed against the parties as directed by the court. No sheriff in this state
3 shall charge any district court in this state a fee or mileage for serving any
4 paper or process.

5 *(e) Docket fee operating increments. Any docket fee established in this*
6 *section may be subject to the docket operating increments established*
7 *pursuant to section 3, and amendments thereto.*

8 Sec. 42. K.S.A. 2001 Supp. 61-2704 is hereby amended to read as
9 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
10 be considered to have been commenced at the time a person files a writ-
11 ten statement of the person's small claim with the clerk of the court if,
12 within 90 days after the small claim is filed, service of process is obtained
13 or the first publication is made for service by publication. Otherwise, the
14 action is deemed commenced at the time of service of process or first
15 publication. An entry of appearance shall have the same effect as service.

16 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
17 shall require from the plaintiff a docket fee of \$26, if the claim does not
18 exceed \$500; or \$46, if the claim exceeds \$500; unless for good cause
19 shown the judge waives the fee. The docket fee shall be the only costs
20 required in an action seeking recovery of a small claim. No person may
21 file more than 10 small claims under this act in the same court during
22 any calendar year.

23 *(c) Any docket fee established in this section may be subject to the*
24 *docket fee operating increments established pursuant to section 3, and*
25 *amendments thereto.*

26 Sec. 43. K.S.A. 2001 Supp. 61-4001 is hereby amended to read as
27 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pur-
28 suant to the code of civil procedure for limited actions without the pay-
29 ment of a docket fee in the amount of \$26, if the amount in controversy
30 or claimed does not exceed \$500; \$46, if the amount in controversy or
31 claimed exceeds \$500 but does not exceed \$5,000; or \$76, if the amount
32 in controversy or claimed exceeds \$5,000. If judgment is rendered for the
33 plaintiff, the court also may enter judgment for the plaintiff for the
34 amount of the docket fee paid by the plaintiff.

35 (b) Poverty affidavit; additional court costs. The provisions of subsec-
36 tions (b), (c) ~~and~~, (d) *and* (e) of K.S.A. 60-2001, and amendments thereto,
37 shall be applicable to lawsuits brought under the code of civil procedure
38 for limited actions.

39 Sec. 44. K.S.A. 4-202, 4-203, 4-204, 4-205, 4-206, 4-207, 4-208, 4-
40 209, 4-210, 4-211, 4-212, 4-213, 4-214, 4-215, 4-216, 4-217, 4-218, 4-219,
41 4-220, 4-221, 4-222, 4-223a, 4-224, 4-225, 4-226, 4-227, 4-228, 4-229, 4-
42 230, 4-231, 4-232, 8-2107, 20-301, 20-301b and 28-172a and K.S.A. 2001
43 Supp. 20-1a04, 20-334, 20-338 20-367, 60-2001, 61-2704 and 61-4001 are

1 hereby repealed.

2 Sec. 45. This act shall take effect and be in force from and after its
3 publication in the statute book.

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